IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10356 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MASTER DEEP U VORA - Petitioner(s)
Versus
REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :
MR NIKUNT K RAVAL for Petitioner(s) : 1,
MS SEJAL K MANDAVIA for Respondent(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 24/04/2007

ORAL JUDGMENT

1. **RULE**. Ms. Sejal Mandavia learned Additional Central Govt. Standing Counsel waives service of rule on behalf of the respondent. At the request of the learned

advocates the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the birth date in the passport issued by the respondent authority. According to the petitioner his correct date of birth is 16th April, 1996, which is stated in the birth certificate. Similarly in the certificate issued by the school also it is shown as 16th April, 1996. However, in the passport issued by the respondent, the date of birth is mentioned as 19th January, 1996. This appears to be obvious error.

3. I have heard Mr. Nikunt Rava learned advocate for the petitioner and Ms. Mandavia learned Additional Central Government Standing Counsel for the respondent. I have also perused the contents of the petition together with annexures. This Court has held that the birth certificate is the authenticate document, so far as the date of birth is concerned. It will prevail upon any other document that may come into existence subsequently.

3.1. So far as the grievance of the petitioner is concerned, it can be redressed by passing the following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, necessary correction may be made with regard to the birth date in the passport and the same may be issued to the petitioner.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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